

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

DIANNE HAMERLING

Hon. Cathy L. Waldor, U.S.M.J.

Mag. No. 2015-7010

**NOTICE OF MOTION TO DISMISS
THE CRIMINAL COMPLAINT**

ORAL ARGUMENT REQUESTED

Document Electronically Filed

TO:

PAUL J. FISHMAN
United States Attorney
By: Marion Percell
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102

PLEASE TAKE NOTICE that on a time and date determined by the Court, Dianne Hamerling, by and through her attorneys, McElroy, Deutsch, Mulvaney & Carpenter LLP, will move before the Court for an Order dismissing the Criminal Complaint pursuant to 18 U.S.C §3162.

PLEASE TAKE FURTHER NOTICE that Dianne Hamerling will rely on the Letter Brief submitted herewith, as well as all papers on file, in support of the motion.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

Respectfully submitted,

/s/ *Walter F. Timpone*

Walter F. Timpone
McELROY, DEUTSCH, MULVANEY &
CARPENTER, LLP
1300 Mount Kemble Avenue
P.O. Box 2075
Morristown, NJ 07962-2075
Attorneys for Dianne Hamerling

Dated: July 16, 2015

CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused copies of the foregoing Notice of Motion to Dismiss and supporting papers to be filed on the United States of America, by operation of the Court's ECF system.

By: /s/ *Walter F. Timpone*

Walter F. Timpone

Dated: July 16, 2015